IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Civil W.P. No. 526 (S/B) of 2003

1- Anil Raturi S/o Laxmi Prasad Raturi
R/o Near Tourist Bungalow, Kailash Gate,
Muni-Ki-reti, District Tehri Garhwal.
2- Rama Kant, S/o Shiv Poojan Prasad
R/0 Near Indira Primary School, Nehru Gram,
Rishikesh, District Dehradun.
3- Rajbeer Singh Bisht S/o Shoorvir Singh Bisht
R/o Village Chholgaon, Post Office Barkot,
District Tehri Garhwal.
4- Amit Semwal S/o Brahma Nan Semwal,
R/o Semwal Sadan, Anjanisain,
District Tehri Garhwal.
5- Ramesh Kanswal S/o Tara Dutt Kanswal,
R/o 38, Badri Nath Colony, Neshvilla Road,
District Dehradun.
6- Suresh Singh S/o Tul Bahadur R/o New
Yamuna Colony, Dak Pathar, District
Dehradun.
7- Bhavya Kamboj, S/o Vikram Singh Kamboj,
R/o Chakarpur, P.O. Bajpur,
District U.S. Nagar.
8- Mohd. Imran, S/o Asgar Ali
R/o Mohalla Thana Sabik, Kashipur,
District U.S. Nagar.
9- Tik Raj Singh S/o Praveen Singh
R/o Village Nadehi, P.O. Nadehi,
District U.S. Nagar ……. Petitioners.

Versus

1- State of Uttaranchal through Secretary
Establishment, Civil Secretariat,
Uttaranchal Government, Dehradun.

2- Uttaranchal Public Service Commisssion,
Gurukul Kangri, District Haridwar through
Its Secretary .. Respondents.

Sri Rejendra Dobhal, Advocate for the petitioners.
Sri K.P. Upadhyaya, learned Standing Counsel for the State of Uttaranchal.
Sri B.D. Kandpal, learned Standing Counsel for respondent No.2.

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 09-06-2006

By means of this writ petition the petitioners sought a writ in the nature of certiorari quashing the impugned order dated 7-11-2003 (Annexure No. 7 to the writ petition) passed by respondent

No. 2 canceling the call letter of petitioner No.1 for interview to be held on 18-11-2003. The petitioner also sought a writ in the nature of mandamus declaring the Rule-3 of Uttaranchal Subordinate Engineering Services (Emergency Direct Recruitment) Rules, 2001, illegal, arbitrary and violative of Article-16 of the Constitution of India and commanding the respondents to permit the petitioners to appear in the interview for appointment on the posts of Junior Engineers (Civil and Agriculture) in various department of State of Uttaranchal.

2- The petitioners are the diploma holders in Civil Engineer from the Government Engineering Colleges. On 27-11-2001, an advertisement was issued by the respondents for filling up 841 posts of Junior Engineers in the different departments of State of Uttaranchal. As per the advertisement, the candidate shall be a diploma holder in the respective fields, i.e. Civil Electrical, Mechanical and Agricultural Engineering. It was also categorically mentioned in the said advertisement that on 1.7.2001, the age of the candidates must not be more than 40 years, however no cut-off date vis-à-vis minimum age was mentioned in the advertisement. The selection of the candidates was to be made through written examination and thereafter through the interview. Admittedly on 1-7-2001, the petitioners were below 21 years of age, however, the petitioners applied for the said posts because no minimum age was prescribed in the advertisement. The admission card was also issued to the petitioners pursuant to which the petitioners appeared in the examination. As per the advertisement, the last date for making the applications was 27-12-2001. The petitioners did not receive the call letters for interview. On making enquiries, the petitioners were informed that the petitioners were not called for interview as they were below 21 years as on 1.7.2001. Being aggrieved the petitioners have come up in the writ petition.

3- We have heard the learned counsel for the parties and perused the entire evidence on record.

4- Learned counsel for the parties have agreed that the controversy raised in the present writ petition is squarely covered by the judgment dated 20-4-2006 rendered by the Division Bench

of this Court in Writ petition Nos. 150(M/B) of 2004, 1059(M/B) of 2003, 1062 (S/B) of 2003, 146 (S/B) of 2004 and 176 (S/B) of 2004. The Division Bench in aforesaid judgment dated 20-4-2006 has held that the minimum age as fixed under the Rules , which is 21 years, is valid and cut-off dated in the advertisement, is also valid. The Division Bench has accordingly dismissed the writ petitions cited above.

4- We have gone through the record of the present writ petition and perusal of the record shows that the facts of the present case are similar, the selection process was adopted in pursuant of the same advertisement and the controversy raised in the present writ petition is squarely covered in the Writ petition Nos. 150(M/B) of 2004, 1059(M/B) of 2003, 1062 (S/B) of 2003, 146 (S/B) of 2004 and 176 (S/B) of 2004 cited above, hence the present writ petition is also liable to be dismissed.

5- The writ petition, being devoid of merit, is hereby dismissed accordingly. No order as to costs.

(B.C. Kandpal, J.) **(P.C. Verma,J.)**

ISB